MSS

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5624 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, : Court's or Judge's Orders

Mr. N. P. Bhavsar for petitioner

Mr. D.R. Tiwari with A.Saraogi for R-3

CORAM: SMT. RANJANA DESAI, J.
26/8/05

P.C.:-

Heard learned counsel for the parties.

2. It appears from the impugned order that the Chamber Summons No. 425/2005 taken out by the present petitioner in L.C. Suit No. 6168 of 2001 for adding him as a party to the suit has not been disposed of by the trial court. The trial court has referred the matter to Lok Nyalay.

3. In my opinion, in the facts

and circumstances of the case it is only proper that the trial court disposes of the chamber summons after hearing the parties and in accordance with law and, thereafter passes appropriate orders as to whether the matter should be referred to Lok Nyalay. Hence impugned order is set aside.

4. The trial court is directed to hear the chamber summons within two weeks from the date of receipt of this order by it.

5. Parties should remain present before the trial court and cooperate with the trial court in disposing of the chamber summons.

6. It is clarified that I have not expressed any opinion on the merits of the chamber summons and also as to whether this matter is required to be sent to Lok Nyalay.

7. The learned judge shall deal with the case independently and on

merits.

Writ petition is disposed of.

Certified copy expedited.

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